Amendments to the Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Original) A waterproof patient handset, comprising:

an enclosure;

a speaker contained within the enclosure, the enclosure comprising a plurality of holes sufficient to allow sound to pass from the speaker through the enclosure; and

a foil placed on the enclosure over the holes, and attached to the enclosure at the foil's perimeter such that the foil seals the speaker against intrusion by a liquid.

2. (Original) The handset of claim 1, the foil acting as a second membrane for the speaker.

3. (Original) The handset of claim 1, the foil being round and being glued only at about the outer 2 to 3 mm of the foil.

4. (Original) The handset of claim 1, the enclosure having about thirty of said holes, each hole having a diameter of about 1 mm.

5. (Original) The handset of claim 1, further comprising:

a protection plate which sits between the enclosure and the speaker, providing mechanical protection for the speaker, the protection plate comprising a plurality of holes which allow the passage of sound, said holes being offset from the holes in the enclosure.

6. (Original) The handset of claim 5, the protection plate also serving as a magnetic shield.

7. (Original) The handset of claim 1, the enclosure comprising a first cover and a second cover, the second cover having at least one boss which is inserted through a hole in a printed circuit board (PCB), the boss having a deformable rib.

8. (Original) The handset of claim 7, the PCB deforming the rib when the PCB is pressed with the first cover against the rib.

9. (Original) A waterproof patient handset, comprising:

an enclosure;

a speaker contained within the enclosure, the enclosure comprising a plurality of holes sufficient to allow sound to pass from the speaker through the enclosure;

a foil placed on the enclosure over the holes, and attached to the enclosure at the foil's perimeter such that the foil acts as a second membrane for the speaker, the foil sealing the speaker against intrusion by a liquid; and

a magnetic shield located between the enclosure and the speaker, providing mechanical protection for the speaker, the magnetic shield comprising a plurality of holes which allow the passage of sound, said holes being offset from the holes in the enclosure.

10. (Original) The waterproof patient handset of claim 9, the enclosure comprising a first cover and a second cover, and the second cover having at least one boss which is inserted through a hole of a printed circuit board (PCB), said boss having at least one deformable rib which is deformed when the PCB is pressed with the first cover against the rib, until the first cover meets the boss.

11. (Original) A waterproof patient handset, comprising:

enclosure means;

audio means contained within the enclosure means, the enclosure means allowing sound to pass from the audio means through the enclosure means;

waterproofing means placed on the enclosure means, said waterproofing means acting as a second membrane for the audio means; and

protection means located between the enclosure means and the audio means, providing mechanical protection for the audio means and allowing passage of sound from the audio means to the waterproofing means.

12. (Original) The waterproof patient handset of claim 11, the enclosure means comprising a front cover and a back cover, the back cover having fastening means which are deformed when a printed circuit board (PCB) is pressed with the front cover, the front cover being fastened to the back cover using said fastening means, the PCB being installed therein, such that the distance between a top surface of the PCB and the front cover is within a certain margin of error regardless of the PCB's thickness.

13. (Original) A method for waterproofing a patient handset, comprising:

enclosing a speaker within the handset;

providing a plurality of holes in the handset enclosure sufficient to allow sound to pass from the speaker through the enclosure; and

placing a foil on the enclosure over the holes by attaching the foil to the enclosure at the foil's perimeter such that the foil acts as a second membrane for the speaker, the foil sealing the speaker against intrusion by a liquid.

14. (Currently Amended) The handset of claim 1, where [[the]] a protection plate sits between the foil and the speaker.

15. (Previously presented) The handset of claim 8, where the boss comprises a plurality of deformable ribs.

16. (Previously presented) The handset of claim 1, where the foil is attached to the enclosure only at the perimeter of the foil.

17. (Previously presented) The waterproof patient handset of claim 9, where the foil is attached to the enclosure only at the perimeter of the foil.

18. (Previously presented) The method of claim 13, wherein the foil is attached to the enclosure only at the perimeter of the foil.

19. (New) The handset of claim 1, where the foil has a first side and a second side; and where only the first side of the foil is connected to the enclosure.

20. (New) The handset of claim 19, where the enclosure has an exterior; and where the first side is connected to the exterior of the enclosure.

sound emanates from the patient handset, is markedly different if the foil is placed on the enclosure instead of in the interior. The sound emanating from a remote control, with its earpiece openings exposed to the environment, is considerably different from a patient handset, whose housing is covered with a foil

Second, the cleaning of the patient handset is considerably different if the foil is placed on the enclosure. Specifically, the foil allows for much easier cleaning than the remote control in Kuhn. The foil 12 placed on the enclosure allows for a smooth surface, making wiping of the handset very easy. In contrast, the Kuhn reference teaches that the exterior of the enclosure has a plurality of holes 28. Food, dirt, and other debris can get stuck in the holes 28, making cleaning the remote control in Kuhn extremely difficult. Rather than simply wiping down the remote control in Kuhn to clean the device, a person must use a toothpick or similar device to scrape the dirt that is lodged within the openings 28 in order to truly clean the remote control. This is clearly not feasible in order to truly clean the remote control in Kuhn.

Further, "[t]he mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation . . . ." *Ex parte Chicago Rawhide Mfg. Co.*, 223 U.S.P.Q. 351, 353 (Bd. Pat. App. & Inter. 1984). In the present case, there is no motivation to modify the Kuhn reference to place the foil on the enclosure. Figure 2 of the Kuhn reference (with additional notations) is reproduced below:

As shown in the above figure and the teaching of the specification, it is clear that the membrane 42 is placed on the interior of the housing. Paragraph 30 of the Kuhn reference ("Between the earpiece 38 and the earpiece openings 28 a water-impermeable, but water vapor-permeable membrane 42 is located with which is the earpiece openings are sealed toward the **interior** of the housing.") (emphasis added). The Office Action contends that the foil 34 in the Kuhn reference provides the motivation to modify the placement of the membrane 42. Specifically, the Kuhn reference teaches that the foil 34 is placed on the LCD touch panel surface.

However, the foil 34 in the Kuhn reference does not provide the supposed motivation to move the membrane 42 to the exterior of the housing. The foil 34 is placed over a smooth surface (the LCD touch panel surface), and not over a surface having holes (such as earpiece openings 28). Moreover, the movement of the membrane is contrary to the express teaching in the Kuhn reference. The Kuhn reference is clear about the purpose of the placement of the membrane 42 between the earpiece 38 and the earpiece openings 28. The Kuhn reference seeks to waterproof the housing, while still ensuring that the sound emanate from the earpiece openings 28. To accomplish this, the Kuhn reference teaches that the membrane 42 be placed in between the earpiece 38 and the earpiece openings 28. In this manner, the sound emanates from the earpiece openings 28 directly to the ear of the user. See Paragraph 30. Movement of the membrane 42 to the exterior of the housing (thereby covering of the earpiece openings 28) is contrary to the express purpose in Kuhn. Thus, claims 1 and 13 are not rendered obvious since placing the foil on the housing operates differently than the interior membrane taught in the Kuhn reference and since there is no motivation to move the membrane in the Kuhn reference to the exterior of the housing.

Similar to the Kuhn reference, the remaining references cited in the Office Action fails to teach a cover on the enclosure as claimed. For example, the Banter reference teaches a cover on an interior of a cellphone, thus suffering from the same deficiency as the Kuhn reference – covering an interior of the holes and leaving the exterior of the holes exposed to dirt and grime. Therefore, claims 1 and 13, and the claims that depend thereon, are patentable over the cited references.